

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
LAFAYETTE-OPELOUSAS DIVISION**

**MARK A. SIMON,  
DIANNE P. SIMON**

**CIVIL ACTION NO. 10-338**

**VS.**

**JUDGE MELANCON**

**ERIE INDEMNITY COMPANY,  
ALLSTATE INDEMNITY COMPANY,  
MARLON K. BAESE**

**MAGISTRATE JUDGE HANNA**

**ORDER REGARDING JURISDICTIONAL AMOUNT**

The record shall reflect that this court has conducted a review of the jurisdictional amount in this case, including the Memorandum of Jurisdictional Amount submitted by defendants, and concludes that it appears that jurisdictional amount exists. In their memorandum, defendants stated plaintiff, prior to the accident, had both a cervical fusion and discectomy and laminectomy as a result of the prior back injury.

Defendants state “ [u]pon information and belief, Simon had a three-level cervical fusion in May 2010 and allegedly continues to experience pain.”<sup>1</sup> Defendants also state he has allegedly attended twenty-four (24) sessions of physical therapy, has missed work, and has incurred approximately \$7,809.00 in medical expenses, not including the three-level fusion.<sup>2</sup>

Additionally, in accordance with the United States Supreme Court’s decision in

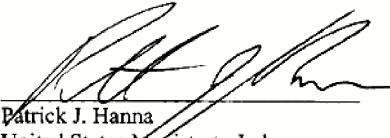
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<sup>1</sup>Memorandum of Jurisdictional Amount (Rec. Doc. 21), p. 2.

<sup>2</sup>Ibid.

*Exxon Mobil Corp. v. Allapattah Services, Inc.*, 545 U.S. 546, 125 S.Ct. 2611 (2005) this court may exercise supplemental jurisdiction over the derivative and related claims of Mr. Simon's wife, Dianne P. Simon, under 28 U.S.C. §1367(a).

Signed this 7<sup>th</sup> day of September, 2010, at Lafayette, Louisiana.



Patrick J. Hanna  
United States Magistrate Judge  
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